

**MILPITAS PLANNING COMMISSION AGENDA REPORT**

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Category: Public Hearing

Report prepared by: Cindy Maxwell

Public Hearing: Yes:   X   No:       

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**TITLE:** **USE PERMIT AMENDMENT NO. UA2007-3**

Proposal: A request to add 32-seats to an existing 52-seat restaurant.

Location: 1741 N. Milpitas Blvd. (APN: 22-20-049)

**RECOMMENDATION:** Continue to the October 10, 2007 Planning Commission meeting.

Applicant: Khanhly Luong, 1741 N. Milpitas Blvd., Milpitas, CA 95035

Property Owners: GS Management, 1285 Oakmead Parkway, Sunnyvale, CA 94085,  
Attn: Cathy Conner, Operations Manager

Previous Action(s): Use Permit and 'S' Zone Approvals

Environmental Info: Exempt pursuant to Section 15301, Class 1

General Plan Designation: Neighborhood Commercial

Present Zoning: Neighborhood Commercial (C1) with 'S' Zone combining district

Existing Land Use: Multi-tenant shopping center "Crescent Square"

Agenda Sent To: Applicant & owner

Attachments: None  
PJ#2481

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## **BACKGROUND**

The applicant is requesting to add seating to an existing restaurant within the Crescent Square shopping center, located at the southwest corner of Dixon Landing Road and North Milpitas Boulevard. However, discrepancies exist in the request, in that the application request states that there are 52 existing seats in the restaurant while the original approval from Use Permit 1566 is for only 36 seats for the tenant space. When the property was sold in April 2006, there was a miscommunication between the previous owner and new owner in regards to the amount of seating.

Therefore, staff is requesting to continue this item to allow for staff more time to research the amount of seating approved, review any code enforcement issues and to examine a new parking analysis of peak lunch and dinner time usage of the parking lot to allow for a potential reduction of the parking required.

## **RECOMMENDATION**

1. Continue to the October 10, 2007 Planning Commission meeting.